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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Johan Paul Marie Linnartz

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

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EXAMINER

HUANG, TSAN-YU J

ART UNIT

PAPER NUMBER

3685

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/517,919	Applicant(s) LINNARTZ, JOHAN PAUL MARIE	
	Examiner TSAN-YU J. HUANG	Art Unit 4156	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Acknowledgements

This communication is in response to the amendments and remarks filed on October 24, 2008.

Claims 1-19 are pending.

Claims 1-19 are rejected as set forth below.

The Examiner notes that the scope of the claim rejections in the Office Action are not limited to the prior art citations listed in the claim rejections, but in fact encompasses the prior art in their entirety. The Applicant is advised to review the prior art in its totality when considering the Office Action.

The Examiner notes that United States Patent Application Publication paragraph numbers in the Office Action will be referred to as [#####], ##### representing the paragraph number.

Response to Arguments

Applicant's arguments filed on October 24, 2008 have been fully considered but they are not persuasive.

Applicant's argument #1

Applicant believes the **Abstract** is of proper language and format.

Examiner's response #1

Applicant's arguments, see argument #1, filed October 24, 2008, with respect to the **Abstract** have been fully considered and are persuasive. The objection of the **Abstract** has been withdrawn.

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Applicant's argument #2

Applicant believes the **Specification** does not contain trademarks as noted.

Examiner's response #2

Applicant's arguments, see argument #2, filed October 24, 2008, with respect to the **Specification** have been fully considered and are persuasive. The objection of the **Specification** has been withdrawn.

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Applicant's argument #3

Applicant believes **claims 11 and 17** are not indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Examiner's response #3

Applicant's arguments, see argument #3, filed October 24, 2008, with respect to **claims 11 and 17** have been fully considered and are persuasive. The 35 USC § 112 rejection of **claims 11 and 17** has been withdrawn.

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Applicant's argument #4

Applicant believes **claims 1-4, 7, 9, and 10** are patentable over *Heemskerk*.

Applicant believes *Heemskerk* does not teach or suggest that the information blocks, address information, and auxiliary information comprise executable code or instructions.

Examiner's response #4

Heemskerk teaches the control logic data. However, it does not expressly teach the specific limitation of the control logic data comprising executable code or instructions recited in **claims 1-4, 7, 9, and 10**. Nevertheless, the difference(s) are only found in the non-functional descriptive material and are not functionally involved in the steps recited nor do they alter the recited structural elements. The recited method steps would be performed the same regardless of the specific limitation of the control logic data comprising executable code or instructions. Further, the structural elements remain the same regardless of the specific limitation of the control logic data comprising executable code or instructions. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP § 2106.

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Applicant's argument #5

Applicant believes **claims 5, 6, 8, and 11-19** are patentable over the applied references.

Examiner's response #5

Regarding claims 11 and 17, each also recites non-functional descriptive material (i.e. control logic *data*). In addition, claim 17 regarding the language-

... to enable the host apparatus to establish that the host apparatus is installed in a compliant system and, when installed in the compliant system, to enable the processing means to feed the processed content data to an output; and...

However, this is intended use (MPEP 2114; In re Swineheart, 169 USPQ 226; In re Schreiber, 44 USPQ2d 1429 (Fed. Cir. 1997)) and will not distinguish the claimed control means from the prior art as it is not part of the means for executing and controlling.

Claim Rejections – 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1-4, 7, and 9-10** are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,031,815 to Heemskerk.

3. **Regarding claim 1**, Heemskerk teaches a system, comprising:
a storage medium (column 3, line 50–column 4, line 18);

read means for reading content data and control logic data from the storage medium, the control logic data being uniquely linked to the storage medium, the control logic data comprising executable code or instructions; (column 7, lines 27-41, the information is the content data and the address information is the control logic data; column 4, lines 33-43, the auxiliary information being stored in a reference pattern and not being able to be copied results in a unique link to the storage medium; see Examiner's response #4 above)

processing means, coupled to the read means, for processing the content data and feeding the processed content data to an output (column 7, line 42–column 8, line 17, the processors 43 and 44 compose of the processing means; figure 4, the first processor 43 and the auxiliary processor 44 are coupled to the read/write head 31;

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column 8, lines 24-27, sending data from processor 43 to the processing unit 50 is feeding the processed content data to an output); and

control means, coupled to the read means, for executing the control logic data and for controlling the processing means in accordance with the control logic data being executed. (column 7, lines 27-41, the system controller and demodulation means 32 compose of the control means, positioning the reading unit 31 is executing the control logic data, applying the auxiliary information to the system controller to control the releasing of the information blocks is controlling the processing means in accordance with the control logic data being executed; figure 3, the demodulator 32 is coupled to the read/write head 31);

4. **Regarding claim 2**, Heemskerk teaches the system of claim 1, wherein the read means are arranged for reading out variations in a physical parameter of the storage medium, said variations exhibiting a modulation pattern representing a necessary parameter for obtaining access to the control logic data (column 4, lines 44-67, the reference patterns 2 are the variations in a physical parameter; column 5, lines 13-16, the auxiliary information written in the reference patterns is the necessary parameter for obtaining access to the control logic data).

5. **Regarding claim 3**, Heemskerk teaches the system of claim 2, wherein the control logic data is stored encrypted on the storage medium, and the necessary parameter comprises a decryption key to decrypt the encrypted control logic data (column 5, lines 11-13, the decoding key is the decryption key; column 6, lines 64-65,

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encryption methods known to one of ordinary skill in the art at the time of invention can be applied to the control logic data in addition to the content data because data is structurally the same, regardless of its function).

6. **Regarding claim 4**, Heemskerk teaches the system of claim 2, wherein the necessary parameter comprises authentication data for the control logic data, and the control means are arranged for verifying the authenticity of the control logic data using the authentication data before executing the control logic data (column 5, lines 11-13, the access codes is the authentication data).

7. **Regarding claim 7**, Heemskerk teaches a storage medium comprising content data and control logic data, the control logic data being uniquely linked to the storage medium, the control logic data comprising executable code or instructions. (column 3, line 50—column 4, line 18; column 7, lines 27-41, the information is the content data and the address information is the control logic data; column 4, lines 33-43, the auxiliary information being stored in a reference pattern and not being able to be copied results in a unique link to the storage medium; see Examiner's response #4 above).

8. **Regarding claim 9**, Heemskerk teaches the storage medium of claim 7, exhibiting variations in a physical parameter of the storage medium, said variations exhibiting a modulation pattern representing a necessary parameter for obtaining access to the control logic data (column 4, lines 44-67, the reference patterns 2 are the variations in a physical parameter; column 5, lines 13-16, the auxiliary information written in the reference patterns is the necessary parameter for obtaining access to the control logic data).

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9. **Regarding claim 10**, Heemskerk teaches the storage medium of claim 7, comprising an optical storage medium (column 3, lines 50-51).

Claim Rejections – 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. **Claims 5-6 and 8** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,031,815 to Heemskerk, in view of U.S. Patent No. 5,905,798 to Nerlikar.

12. **Regarding claim 5**, Heemskerk discloses the invention substantially as claimed. See the discussion of claim 1. Heemskerk does not specifically disclose "the storage medium comprises an integrated circuit which contains a necessary parameter for obtaining access to the control logic data, and the read means are arranged for reading out the necessary parameter from the integrated circuit."

13. However, Nerlikar discloses "the storage medium comprises an integrated circuit which contains a necessary parameter for obtaining access to the control logic data, and the read means are arranged for reading out the necessary parameter from the integrated circuit." (column 2, lines 4-10, the TIRIS cipher is the integrated circuit, the TIRIS transceiver is the read means; column 2, line 61-column 3, line 7, the unique ID, serial number, or BATCH number is the necessary parameter)

14. One of ordinary skill in the art at the time of the invention would have been motivated to modify Heemskerk with the integrated circuit taught by Nerlikar because using an integrated circuit is a logical and versatile means for storing a necessary

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parameter, a necessary step in order for said system to provide a secure storage of content. The integrated circuit allows for sophistication in the control and tracking of the digital content (Nerlikar, column 1, line 67-column 2, line 4). Therefore, the invention as a whole would have been prima facie obvious to one of ordinary skill in the art at the time of the invention.

15. **Regarding claim 6**, Heemskerk discloses the invention substantially as claimed. See the discussion of claim 5. Heemskerk does not specifically disclose "the read means are further arranged for storing a value of an additional parameter on the integrated circuit."

16. However, Nerlikar discloses "the read means are further arranged for storing a value of an additional parameter on the integrated circuit." (column 3, lines 28-47, the post-manufactured rewriteable data is the additional parameter, the advanced readers making use of the post-manufactured rewriteable data is the read means storing a value of an additional parameter)

17. One of ordinary skill in the art at the time of the invention would have been motivated to modify Heemskerk with the limitations taught by Nerlikar because adding an additional parameter on the integrated circuit is an efficient means of adding more functionality and allowing for more information to be stored on said system. It is also obvious to one of ordinary skill in the art to write data to an integrated circuit. Therefore, the invention as a whole would have been prima facie obvious to one of ordinary skill in the art at the time of the invention.

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18. **Regarding claim 8**, Heemskerk discloses the invention substantially as claimed. See the discussion of claim 7. Heemskerk does not specifically disclose “an integrated circuit which contains a necessary parameter for obtaining access to the control logic data.”

19. However, Nerlikar discloses “an integrated circuit which contains a necessary parameter for obtaining access to the control logic data.” (column 2, lines 4-10, the TIRIS cipher is the integrated circuit, the TIRIS transceiver is the read means; column 2, line 61-column 3, line 7, the unique ID, serial number, or BATCH number is the necessary parameter)

20. One of ordinary skill in the art at the time of the invention would have been motivated to modify Heemskerk with the integrated circuit taught by Nerlikar because using an integrated circuit is a logical and versatile means for storing a necessary parameter, a necessary step in order for said system to provide a secure storage of content. The integrated circuit allows for sophistication in the control and tracking of the digital content (Nerlikar, column 1, line 67-column 2, line 4). Therefore, the invention as a whole would have been prima facie obvious to one of ordinary skill in the art at the time of the invention.

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21. **Claims 11-14, 17, and 19** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,031,815 to Heemskerk, in view of U.S. Patent No. 5,745,568 to O'Connor.

22. **Regarding claim 11**, Heemskerk teaches a host apparatus, comprising: read means for reading content data and control logic data from a storage medium, the control logic data being uniquely linked to the storage medium, the control logic data comprising executable code or instructions (column 7, lines 27-41, the information is the content data and the address information is the control logic data; column 4, lines 33-43, the auxiliary information being stored in a reference pattern and not being able to be copied results in a unique link to the storage medium; column 7, lines 32-33, the address information positioning the reading unit is the control logic comprising executable code or instructions; see Examiner's response #5 above);

processing means, coupled to the read means, for processing the content data and feeding the processed content data to an output (column 7, line 42-column 8, line 17, the processors 43 and 44 compose of the processing means; figure 4, the first processor 43 and the auxiliary processor 44 are coupled to the read/write head 31; column 8, lines 24-27, sending data from processor 43 to the processing unit 50 is feeding the processed content data to an output); and

control means, coupled to the read means, for executing the control logic data and for controlling the processing means in accordance with the control logic data being

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executed to enable the host apparatus to establish that the host apparatus is installed in a compliant system and, when installed in the compliant system, to enable the processing means to feed the processed content data to an output. (column 7, lines 27-41, the system controller and demodulation means 32 compose of the control means, positioning the reading unit 31 is executing the control logic data, applying the auxiliary information to the system controller to control the releasing of the information blocks is controlling the processing means in accordance with the control logic data being executed; figure 3, the demodulator 32 is coupled to the read/write head 31);

Heemskerk does not teach “to enable the host apparatus to establish that it is installed in a compliant system and, when installed in the compliant system, to enable the processing means to feed the processed content data to an output.”

23. However, O'Connor teaches “to enable the host apparatus to establish that it is installed in a compliant system and, when installed in the compliant system, to enable the processing means to feed the processed content data to an output.” (column 3, line 66-column 4, line 16, the verify software-hardware association step 134 is enabling the host apparatus to establish that it is installed in a compliant system)

24. One of ordinary skill in the art at the time of the invention would have been motivated to modify Heemskerk with the limitations taught by O'Connor because such a method of establishing a compliant system is merely using an authentication data protocol between the storage medium and the output, which in the case of O'Connor is a CPU. Said method improves on said system by providing another layer of security.

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Such authentication data protocols are commonly known to one of ordinary skill in the art at the time of the invention. Therefore, the invention as a whole would have been prima facie obvious to one of ordinary skill in the art at the time of the invention.

25. **Regarding claim 12**, Heemskerk teaches the host apparatus according to claim 11, wherein the read means are arranged for reading out variations in a physical parameter of the storage medium, said variations exhibiting a modulation pattern representing a parameter for obtaining access to the control logic data (column 4, lines 44-67, the reference patterns 2 are the variations in a physical parameter; column 5, lines 13-16, the auxiliary information written in the reference patterns is the necessary parameter for obtaining access to the control logic data).

26. **Regarding claim 13**, Heemskerk teaches the host apparatus according to claim 12, wherein the control logic data is stored encrypted on the storage medium, and the parameter comprises a decryption key for decrypting the encrypted control logic data (column 5, lines 11-13, the decoding key is the decryption key; column 6, lines 64-65, encryption methods known to one of ordinary skill in the art at the time of invention can be applied to the control logic data in addition to the content data because data is structurally the same, regardless of its function).

27. **Regarding claim 14**, Heemskerk teaches the host apparatus according to claim 12, wherein the parameter includes authentication data for the control logic data, and the control means are arranged for verifying the authenticity of the control logic data using the authentication data before executing the control logic data (column 5, lines 11-13, the access codes is the authentication data).

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28. **Regarding claim 17**, Heemskerk teaches a system, comprising:

a host apparatus that includes:

read means for reading content data and control logic data from a storage medium, the control logic data being uniquely linked to the storage medium, the control logic data comprising executable code or instructions (column 7, lines 27-41, the information is the content data and the address information is the control logic data; column 4, lines 33-43, the auxiliary information being stored in a reference pattern and not being able to be copied results in a unique link to the storage medium; column 7, lines 32-33, the address information positioning the reading unit is the control logic comprising executable code or instructions; see Examiner's response #5 above);

processing means, coupled to the read means, for processing the content data and feeding the processed content data to an output (column 7, line 42-column 8, line 17, the processors 43 and 44 compose of the processing means; figure 4, the first processor 43 and the auxiliary processor 44 are coupled to the read/write head 31; column 8, lines 24-27, sending data from processor 43 to the processing unit 50 is feeding the processed content data to an output); and

control means, coupled to the read means, for executing the control logic data and for controlling the processing means in accordance with the control logic data being executed to enable the host apparatus to establish that the host apparatus is installed in

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a compliant system and, when installed in the compliant system, to enable the processing means to feed the processed content data to an output. (column 7, lines 27-41, the system controller and demodulation means 32 compose of the control means, positioning the reading unit 31 is executing the control logic data, applying the auxiliary information to the system controller to control the releasing of the information blocks is controlling the processing means in accordance with the control logic data being executed; figure 3, the demodulator 32 is coupled to the read/write head 31);

a multimedia terminal coupled to the output of the host apparatus (column 5, lines 35-44, the computer system is the multimedia terminal).

Heemskerk does not teach “to enable the host apparatus to establish that it is installed in a compliant system and, when installed in the compliant system, to enable the processing means to feed the processed content data to an output.”

29. However, O'Connor teaches “to enable the host apparatus to establish that it is installed in a compliant system and, when installed in the compliant system, to enable the processing means to feed the processed content data to an output.” (column 3, line 66-column 4, line 16, the verify software-hardware association step 134 is enabling the host apparatus to establish that it is installed in a compliant system)

30. One of ordinary skill in the art at the time of the invention would have been motivated to modify Heemskerk with the limitations taught by O'Connor because such a method of establishing a compliant system is merely using an authentication data

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protocol between the storage medium and the output, which in the case of O'Connor is a CPU. Said method improves on said system by providing another layer of security. Such authentication data protocols are commonly known to one of ordinary skill in the art at the time of the invention. Therefore, the invention as a whole would have been prima facie obvious to one of ordinary skill in the art at the time of the invention.

31. **Regarding claim 19**, Heemskerk teaches the system according to claim 17, comprising one of a Compact Disc player, a DVD player, a personal computer, a television system and a radio system (column 5, lines 35-44, the computer system is the personal computer).

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32. **Claims 15-16** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,031,815 to Heemskerk in view of U.S. Patent No. 5,745,568 to O'Connor as applied to claim 11 above, and further in view of U.S. Patent No 5,905,798 to Nerlikar.

33. **Regarding claim 15**, Heemskerk discloses the invention substantially as claimed. See the discussion of claim 11. Heemskerk does not specifically disclose "the storage medium includes an integrated circuit containing a parameter for obtaining access to the control logic data, and the read means are arranged for reading the parameter from the integrated circuit."

34. However, Nerlikar discloses "the storage medium includes an integrated circuit containing a parameter for obtaining access to the control logic data, and the read means are arranged for reading the parameter from the integrated circuit." (column 2, lines 4-10, the TIRIS cipher is the integrated circuit, the TIRIS transceiver is the read means; column 2, line 61-column 3, line 7, the unique ID, serial number, or BATCH number is the necessary parameter)

35. One of ordinary skill in the art at the time of the invention would have been motivated to modify Heemskerk with the integrated circuit taught by Nerlikar because using an integrated circuit is a logical and versatile means for storing a necessary parameter, a necessary step in order for said system to provide a secure storage of content. The integrated circuit allows for sophistication in the control and tracking of the digital content (Nerlikar, column 1, line 67-column 2, line 4). Therefore, the invention as

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a whole would have been prima facie obvious to one of ordinary skill in the art at the time of the invention.

36. **Regarding claim 16**, Heemskerk discloses the invention substantially as claimed. See the discussion of claim 15. Heemskerk does not specifically disclose "the read means are further arranged to store a value of an additional parameter on the integrated circuit."

37. However, Nerlikar discloses "the read means are further arranged to store a value of an additional parameter on the integrated circuit." (column 3, lines 28-47, the post-manufactured rewriteable data is the additional parameter, the advanced readers making use of the post-manufactured rewriteable data is the read means storing a value of an additional parameter)

38. One of ordinary skill in the art at the time of the invention would have been motivated to modify Heemskerk with the limitations taught by Nerlikar because adding an additional parameter on the integrated circuit is an efficient means of adding more functionality and allowing for more information to be stored on said system. It is also obvious to one of ordinary skill in the art to write data to an integrated circuit. Therefore, the invention as a whole would have been prima facie obvious to one of ordinary skill in the art at the time of the invention.

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39. **Claim 18** is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent No. 6,031,815 to Heemskerk in view of U.S. Patent No. 5,745,568 to O'Connor, and further in view of U.S. Patent No. 6,070,154 to Tavor.

40. **Regarding claim 18**, Heemskerk discloses the invention substantially as claimed. See the discussion of claim 17. Heemskerk does not specifically disclose “the system is configured for engaging in an authentication protocol between the host apparatus and the multimedia terminal to establish a common encryption key for encrypting the processed content data before feeding the processed content data to the output.”

41. However, Tavor discloses “the system is configured for engaging in an authentication protocol between the host apparatus and the multimedia terminal to establish a common encryption key for encrypting the processed content data before feeding the processed content data to the output.” (column 2, lines 29-56, the authentication protocol using a common encryption key can be applied from two computers over the Internet to a host apparatus and a multimedia terminal over a wired connection)

42. One of ordinary skill in the art at the time of the invention would have been motivated to modify Heemskerk with the authentication protocol taught by Tavor because such a method of using a common encryption key improves on said system by providing another layer of security. Such authentication data protocols are commonly known to one of ordinary skill in the art at the time of the invention. Therefore, the

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invention as a whole would have been prima facie obvious to one of ordinary skill in the art at the time of the invention.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to TSAN-YU J. HUANG whose telephone number is (571)270-7039. The examiner can normally be reached on Monday to Friday, 9:00 am - 5:00 pm Eastern Standard Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Kyle can be reached on (571)272-6746. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/TSAN-YU J HUANG/
Examiner, Art Unit 4156
December 4, 2008

/Calvin L Hewitt II/

Supervisory Patent Examiner, Art Unit 3685